

FRIDAY, MAY 1, 1998

Civil MARVIN D. BERGSTAD

No. vs.

C027522 OWENS BROCKWAY GLASS CONTAINER INC.

By the Court:

Pursuant to the written stipulation of counsel, the appeal filed on September 12, 1997, is dismissed. It is further ordered pursuant to said stipulation that the remittitur issue forthwith.

Dated May 1, 1998

PUGLIA, P.J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025416 KEVIN EUGENE CROCKETT

The judgment is reversed.

SCOTLAND, Acting P.J.

We concur: NICHOLSON, J.
CALLAHAN, J.

Civil GLEN E. ABBOTT, ET AL. (Not for Publication)

No. vs.

C026085 CALIFORNIA DEPARTMENT OF CORRECTIONS

The judgment is affirmed.

SCOTLAND, J.

We concur: SIMS, Acting P.J.
MORRISON, J.

MONDAY, MAY 1, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C024860 SAMUEL AROLA STRANGE

THE COURT:

The defendant asserts this court misconstrued the record with respect to his decision not to testify.....

There is substantial evidence in the record that the defendant decided not to testify based on the advice of counsel. Accordingly, this court did not misconstrue the record.

The petition for rehearing is denied.

FOR THE COURT:

PUGLIA, P.J.

SCOTLAND, J.

NICHOLSON, J.

WEDNESDAY, MAY 6, 1998

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C024077 VINCENT MICHAEL LOMBARDO

The judgment is affirmed.

RAYE, J.

I concur: DAVIS, J.

I concur in the result:

BLEASE, Acting P.J.

Civil MARK DYAL (Not for Publication)
 No. vs.
 C025988 DEAN LUNDHOLM

The judgment is affirmed.

NICHOLSON, J.

We concur: BLEASE, Acting P.J.
 HULL, J.

WEDNESDAY, MAY 6, 1998 CONTINUED

Civil MARTHA PETTAY (Not for Publication)
No. vs.
C025340 CHARLES K. WEIKERT

The orders are affirmed.

RAYE, J.

We concur: BLEASE, Acting P.J.
 CALLAHAN, J.

THURSDAY, MAY 7, 1998

Civil DIANNE V. YORKE (Not for Publication)
No. vs.
C026358 CALIFORNIA ACUPUNCTURE COMMITTEE ET AL.

Plaintiff's purported appeal from the judgment of dismissal entered in this matter on January 9, 1997, is dismissed. The order of the superior court denying plaintiff's motion under Code of Civil Procedure section 473 for relief from the judgment of dismissal is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.
 SIMS, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C027647 JAVIER PEREZ

The judgment is affirmed.

SCOTLAND, J.

We concur: PUGLIA, P.J.
 SIMS, J.

THURSDAY, MAY 7, 1998 CONTINUED

Civil	UNITED SYSTEMS OF ARKANSAS, INC.
No.	vs.
C025895	PETER STAMISON, AS DIRECTOR OF GENERAL SERVICES ET AL MOORE BUSINESS SYSTEMS, INC.

The judgment is reversed with directions to the trial court to enter a judgment granting the petition, to issue a peremptory writ of mandate directing the Board to receive, consider, and act on the protest of USA, and to issue such injunctive and other relief as may be appropriate and consistent with this opinion. USA shall recover its costs on appeal.

(CERTIFIED FOR PUBLICATION)

MORRISON, J.

We concur: BLEASE, Acting P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C026895 VICTOR LIVIER MARTINEZ

The judgment is affirmed.

SCOTLAND, J.

We concur: PUGLIA, P.J.
DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C021841 ORLANDO HENRY MAHAN

The conviction and the special findings are affirmed. The sentence is vacated and the matter is remanded for resentencing consistent with this opinion.

The trial court is directed to prepare an amended abstract of judgment, a copy of which shall be forwarded to the Department of Corrections.

MORRISON, J.

We concur: SCOTLAND, Acting P.J.
NICHOLSON, J.

FRIDAY, MAY 8, 1998

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027440 JAMES CHARLES SCOTT

The judgment is modified to impose a \$200 restitution fine (§1202.4) and a \$200 restitution fine to be suspended pending successful completion of parole (§ 1202.45). The judgment also in modified to stay the sentence on count one of the information pursuant to section 654. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.....

HULL, J.

We concur: DAVIS, Acting P.J.
 NICHOLSON, J.

TUESDAY, MAY 12, 1998

Crim. THE PEOPLE
 No. vs.
 C025504 ALEJANDRO MENDOZA SALAZAR
 BY TH COURT:

Appellant's petition for rehearing is denied.

Dated: May 12, 1998

SIMS, Acting P.J.

Juvenile LINDA W. (Not for Publication)
 No. vs.
 C028925 THE SUPERIOR COURT OF YOLO COUNTY
 YLO COUNTY DEPARTMENT OF SOCIAL SERVICES ET AL.

The petition and request for a stay are denied.

SIMS, Acting P.J.

We concur: RAYE, J.
 CALLAHAN, J.

TUESDAY, MAY 12, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027377 TIMOTHY RAY BAKER

Defendant's conviction and sentence are affirmed. The trial court is directed to prepare a corrected abstract of judgment, showing that the weapon-use enhancements on counts I-III are imposed pursuant to section 12022.3, subdivision (a), and to forward the corrected abstract to the Department of Corrections.

SIMS, J.

We concur: PUGLIA, P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027251 KEITH LAMONT HOLLOWAY

The judgment is modified to impose a \$400 restitution fine stayed pending successful completion of parole. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy of the same to the Department of Corrections.

RAYE, J.

We concur: PUGLIA, P.J.
 DAVIS, J.

Juvenile ALONZO J. (Not for Publication)
 No. vs.
 C029009 THE SUPERIOR COURT OF SACRAMENTO COUNTY
 SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN
 SERVICES ET AL.

The petition and request for a stay are denied.

SIMS, Acting P.J.

We concur: RAYE, J.
 CALLAHAN, J.

WEDNESDAY, MAY 13, 1998

Crim. THE PEOPLE (Not for Publication)
No, vs.
C026309 ASA LENDILL CASTLEMAN

In case No. CR66412, the judgment is modified by striking the sex offender registration order and the section 1202.45 restitution fine. In case No. CR64883, the judgment is modified by striking the section 1202.45 restitution fine. As so modified, the judgments are affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.

BLEASE, J.

We concur: PUGLIA, P.J.
 DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025903 ENRIQUE THOMAS PENA-FONSECA ET AL.

The judgments are affirmed.

BLEASE, J.

We concur: PUGLIA, P.J.
 DAVIS, J.

Juvenile In re JACOB R. et al., Persons Coming Under the Juvenile Court Law
No. PLACER COUNTY DEPARTMENT OF HEALTH AND HUMAN
C026731 SERVICES (Not for Publication)

vs.
SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN
SERVICES

The order of the Sacramento County Juvenile Court of May 12, 1997, transferring the dependency proceeding to Placer County, is reversed.

BLEASE, J.

We concur: PUGLIA, P.J.
 DAVIS, J.

WEDNESDAY, MAY 13, 1998 CONTINUED

Juvenile IN RE AARON, ALEX, ARIC, AND CHRISTINA L., Persons Coming
No. Under Juvenile Court Law (Not for Publication)
C028184 DEPARTMENT OF SOCIAL SERVICES
VS.
LUUIS L.

The judgments terminating appellant's parental rights are affirmed.
SCOTLAND, J.

We concur: PUGLIA, P.J.
SIMS, J.

THURSDAY, MAY 14, 1998

Misc. Order
98-04

By the Court:

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in Rules 75, 76, 77, and 78 of the California Rules of Court during the absence of the Presiding Justice from the Court on May 15, 1998, or until his return. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of Presiding Justice.

Dated: May 14, 1998

PUGLIA, P.J.

Crim. THE PEOPLE
No. vs.
C026168 JOHN JOSEPH RITSON

Defendant's convictions on counts 2, 3 and 4 are reduced to violations of section 647.6, subdivision (a), misdemeanors and as reduced are affirmed as are his remaining convictions. The sentence is vacated and the matter is remanded to the trial court for resentencing in light of this opinion.

(CERTIFIED FOR PUBLICATION)

SIMS, J.

We concur: PUGLIA, P.J.
CALLAHAN, J.

THURSDAY, MAY 14, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026264 WILLIAM JAMES REE DEES

The order of dismissal is reversed, and the matter is remanded to the trial court with directions to vacate its order setting aside the information and to enter a new order denying defendant's motion to set aside the information.

SCOTLAND, J.

We concur: BLEASE, Acting P.J.
 NICHOLSON, J.

FRIDAY, MAY 15, 1998

Crim. THE PEOPLE (CERTIFIED FOR PUBLICATION)
 No. vs.
 C022971 AARON DALE FRAZIER

The judgment is affirmed.

MORRISON, J.

We concur: PUGLIA, P.J.
 SCOTLAND, J.

MONDAY, MAY 18, 1998

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026121 ROBERT G. LEE

The judgment is affirmed.

CALLAHAN, J.

We concur: PUGLIA, P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025929 ALONZO JAMES JOSEPH

SCOTLAND, J.

We concur: BLEASE, Acting P.J.
 NICHOLSON, J.

MONDAY, MAY 18, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025716 SCOTT HENRY ALAN GRAVES

The judgment is affirmed.

CALLAHAN, J.

We concur: PUGLIA, P.J.
 NICHOLSON, J.

TUESDAY, MAY 19, 1998

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session.

PRESENT: PUGLIA, Presiding Justice
 DAVIS, Associate Justice
 HULL, Associate Justice

Bailiff: Conrad.
 Calendar called.

Crim. THE PEOPLE
 No. vs.
 C027122 RYAN KNOWLES BROWDER

Crim. THE PEOPLE
 No. vs.
 C027464 TIMOTHY DARRELL COON

Cause called. No appearance was made on behalf of Court Reporter Rosalind Oaxaca. A bench warrant was ordered to be issued. Bail set at \$1,000. Submission deferred.

Civil LARRY BROOKS ET AL.
 No. vs.
 C26607 DOUGLAS F. BINDERUP ET AL.

Cause called. Terry C. Brooks argued for Plaintiffs-Appellants. James K. Mirabell, of Porter, Scott, Weiberg & Delehant argued for Defendant-Respondents Douglas Binderup et al. Gregory R. Madsen, of McDonald, Saeltzer, Morris, Creeggan & Waddock appeared for Defendants-Respondents Cheryle Cozad et al. Cause submitted.

TUESDAY, MAY 19, 1998

Civil MARY CASALE

No. vs.

C026777 CHEVRON U.S.A., INC.

Cause called. Dugan Barr, of Dugan Barr & Associates argued for Plaintiff-Appellant. Charity Kenyon, of Diepenbrook, Wulff, Plant, & Hannegan argued for Defendant-Respondent.

Civil DEAN LAGOE

No. vs.

C025876 MCLAUGHLIN FORD SALES ET AL.

Cause called. Anthony J. Poidmore argued for Plaintiff-Appellant-X-Respondent. Donald E. Cope, of Fisher & Phillips argued for Defendants-Respondents-X-Appellants.

Court adjourned at 10:16 a.m., until Wednesday, May 20, 1998.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026159 GRETA PLANTONIA WATERS

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: NICHOLSON, J.
HULL, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C027877 HOWARD R. CUMMINS, JR.

The judgment is affirmed.

HULL, J.

We concur: DAVIS, Acting P.J.
NICHOLSON, J.

TUESDAY, MAY 19, 1998 CONTINUED

Civil HOSSAM BUZGHEIA (Not for Publication)
No. vs.
C026201 LEASCO SIERRA GROVE ET AL.

The appeal is dismissed.

MORRISON, J.

We concur: PUGLIA, P.J.
 NICHOLSON, J.

Civil TIMOTHY FUKUDA (Certified for Partial Publication)
No. vs.
C018274 CITY OF ANGELS

The judgment is affirmed. The cross-appeal is dismissed. Fukuda shall recover his costs on appeal. (CERTIFIED FOR PARTIAL PUBLICATION)

RAYE, J.

I concur: NICHOLSON, J.

As the evidence found credible by the trial court, and the inferences drawn therefrom, are sufficient to support the judgment, I agree with the majority that the judgment must be affirmed.

SCOTLAND, Acting P.J.

WEDNESDAY, MAY 20, 1998

At 9:35 a.m., the court met at the Library & Courts Building for a continuation of court calendar session.

PRESENT: NICHOLSON, Acting Presiding Justice
 RAYE, Associate Justice
 CALLAHAN, Associate Justice

Bailiff: Conrad
Calendar called.

WEDNESDAY, MAY 20, 1998 CONTINUED

Civil WILDWOOD LIMITED PARTNERSHIP ETC. ET AL.

No. vs.

C025788 BIODENTAL TECHNOLOGIES CORP. ET AL.

Civil WILDWOOD LIMITED PARTNERSHIP ETC. ET AL.

No. vs.

C026037 BIODENTAL TECHNOLOGIES CORP. ET AL.

Cause called. Barry S. Willdorf, of Bancroft & McAlister argued for Plaintiffs-Appellant. Thomas E. Moore III, of Tomlinson, Zisko, Morosoli, & Maser argued for Defendant-Respondent Biodental Technologies. G. Randy Kasten, of William Haskell & Associates argued for Defendant-Respondent OTR. Elizabeth G. Leavy appeared for Plaintiffs-Appellants. Cause submitted.

At 10:10 a.m., court recessed. At 10:12 a.m., court reconvened with Presiding Justice Blease, Associate Justice Nicholson, and Associate Justice Hull.

Civil GRACE E. OSBORNE ET AL.

No. vs.

C025507 JAMES LOUIS RACAHO

Cause called. Thomas J. Boyle, of Boyle, Berschler, Moline & Allison argued for Plaintiffs-Appellants. Peter J. Whipple, of Mayall, Hurley, Knutsen, Smith & Green argued for Defendant-Respondent. Mary B. Moline appeared for Plaintiffs-Appellants. Cause submitted

Civil A.G. EQUITIES GROUP ET AL.

No. vs.

C026353 DEL MONTE CORPORATION

Cause called. Daniel J. Schroeder, of Neumiller & Beardslee argued for x-Complainants-Appellants. Richard W. Raushenbush, of Latham & Watkins argued for X-Defendant-Respondent.

WEDNESDAY, MAY 20, 1998 CONTINUED

At 11:23 a.m., court recessed. At 2:04 p.m., court reconvened with the same panel except Associate Justice Morrison in place of Associate Justice Hull.

Civil MONIQUE ETCHEVERRY ET AL.
No. vs.
C024045 TRI-AG SERVICE, INC. ET AL

Cause called. Robert Mehlhaff, of Mehlhaff & Hay argued for Plaintiffs-Appellants. James W. Rushford, of Rushford & Bonotto argued for Defendant-Respondent Miles. Samuel L. Phillips, Borton, Petrini & Conron argued for Defendants-Respondents Tri-ag Service et al.

At 2:40 p.m., court recessed. At 2:45 p.m., court reconvened with Acting Presiding Justice Raye, Associate Justice Morrison and Associate Justice Callahan.

Civil GRACE L. LUSK
No. vs.
C26447 SUTTER-YUBA MENTAL HEALTH SERVICES ET AL.

Cause called. Neil Eisenberg argued for Plaintiff-Appellant. Charity Kenyon, of Diepenbrock, Wulff, Plant & Hannegan argued for Defendants-Respondents.

At 3:06 p.m., court recessed. At 3:10 p.m., court reconvened with Presiding Justice Puglia, Associate Justice Davis and Associate Justice Morrison.

Crim. THE PEOPLE
No. vs.
C023667 JASON DALE JACK

Cause called. Richard Dangler argued for Defendant-Appellant. Julie Hakams, Deputy Attorney General argued for Plaintiff-Respondent.

WEDNESDAY, MAY 20, 1998 CONTINUED

At 3:24 p.m., court recessed. At 3:25 p.m., court reconvened with Presiding Justice Puglia, Associate Justice Blease, and Associate Justice Davis.

Civil IN RE PAIGE ET AL.
No. DEPARTMENT OF SOCIAL SERVICES
C027733 vs.
 NICOLA E.

Cause called. Sharon Rollo, court appointed counsel argued for Defendant-Appellant. There was no appearance made on behalf of Plaintiff-Respondent. Cause submitted.

At 3:24 p.m., court recessed. At 3:25 p.m., court reconvened with the same panel except Associate Justice Raye in place of Associate Justice Blease.

Civil THOMAS B.
No. vs.
C029003 SUPERIOR COURT SACRAMENTO COUNTY
 DEPARTMENT OF HEALTH AND HUMAN SERVICES ET. AL.

Cause called. Ronald L. Holmes argued for Petitioner. Richard Bowser, County Counsel argued for RPI D.H.H.S. Michael B. Hansell argued for RPI Summer B. No appearance was made on behalf of RPI Pamela B. Cause submitted.

Court adjourned at 3:52 p.m., until Thursday, May 21, 1998.

Civil LARRY F. BROOKS ET AL. (Not for Publication)
No. vs.
C026607 DOUGLAS F. BINDERUP ET AL.
 The judgment is affirmed.

HULL, J.

We concur: PUGLIA, P.J.
 DAVIS, J.

THURSDAY, M AY 21, 1998

At 9:38 a.m., court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: PUGLIA, Presiding Justice
 BLEASE, Associate Justice
 NICHOLSON, Associate Justice

Bailiff: Conrad.
Calendar called.

Crim. THE PEOPLE
No. vs.
C027122 RYAN KNOWLES BROWDER
Crim. THE PEOPLE
No. vs.
C027464 TIMOTHY DARRELL COON

Rosalind Oaxaca appeared with the transcripts. After the Clerk of the Court reviewed the transcripts the Court ordered the Bench Warrant be stricken and the OSC be discharged.

Court adjourned at 9:43 a.m., until 9:30 a.m., Thursday, May 22, 1998.

Civil GRACE E. OSBORNE ET AL. (Not for Publication)
No. vs.
C025507 JAMES LOUIS RACACHO
 The judgment is affirmed.

HULL, J.

We concur: BLEASE, Acting P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C027364 HENRY RICHARD OLIVAS
 The judgment is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
 MORRISON, J.

THURSDAY, MAY 21, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027648 ROBYN LYNN RAY

The judgment is affirmed.

HULL, J.

We concur: PUGLIA, P.J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C023196 ENG THAO, ET AL.

The judgment as to Lee is affirmed. The finding that Eng violated Penal Code section 12022.5 is reversed and remanded, if within 30 days of remittitur the District Attorney has not opted to retry Eng on the section Penal Code 12022.5 enhancement, the violation of Penal Code section 12022, subdivision (a) and impose sentence accordingly. The convictions and findings as to Shou are affirmed; the sentence as to Shou is vacated and the matter remanded to consider CYA commitment for Shou under Welfare and Institutions Code section 1731.5

RAYE, J.

We concur: PUGLIA, P.J.
 MORRISON, J.

FRIDAY, MAY 22, 1998

At 9:28 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: BLEASE, Acting Presiding Justice
 SCOTLAND, Associate Justice
 CALLAHAN, Associate Justice

Bailiff: Conrad.
 Calendar called.

FRIDAY, MAY 22, 1998 CONTINUED

Civil STEVEN PEREZ

No. vs.

C027139 STATE PERSONNEL BOARD
DEPARTMENT OF CORRECTIONS

Cause called. Robert K. Gaultney, Supervising Senior Staff Counsel argued for RPI-Respondent. No appearance was made on behalf of Plaintiff-Appellant. Cause submitted.

Civil LEROY HARRIS

No. vs.

C025789 STEVE ADAMS

Cause called. Leroy Harris argued for Himself in Pro Per as Plaintiff-Appellant. Domenic D. Spinelli, of Edson, Lapante & Spinelli argued for Defendant-Respondent (with additional Citations). Cause submitted

At 9:40 a.m., court recessed. At 9:45 a.m., court reconvened with Acting Presiding Justice Scotland, Associate Justice Nicholson, and Associate Justice Callahan.

Civil YUBA CYRESS HOUSING PARTNERS ET AL.

No. vs.

C024819 AREA DEVELOPERS ET AL.

Cause called. Robert P. Biegler of Biegler, Oppen & Ortiz argued for Plaintiffs-Appellants. Michael R. Barrette argued for Defendants-Respondents. Cause submitted.

Civil YUBA CYPRESS HOUSING PARTNERS LTD. ET AL.

No. vs.

C026790 AREA DEVELOPERS ET AL.

Cause called. Robert P. Biegler, of Biegler, Oppen & Ortiz argued for Plaintiffs-Appellants. Michael R. Barrette argued for Defendants-Respondents. Cause submitted.

FRIDAY, MAY 22, 1998 CONTINUED

At 10:16 a.m., court recessed. At 10:21 a.m., court reconvened with Presiding Justice Puglia, Associate Justice Nicholson, and Associate Justice Callahan.

Civil CITY OF RICHMOND

No. vs.

C026835 COMMISSION ON STATE MANDATES

Cause called. Robert J. Sullivan, of Nossaman, Guthner, Knox & Elliott argued for Plaintiff-Appellant. Gary D. Hori, Legal Counsel for Commission on State Mandates argued for Defendant-Respondent. Shelleyanne W.L. Chang, Deputy Attorney General argued for RPI-Respondent. Cause submitted.

At 10:43 a.m., court recessed. At 2:02 p.m., court reconvened with Presiding Justice Puglia, Associate Justice Blease, and Associate Justice Scotland.

Crim. THE PEOPLE

No. vs.

C024716 DAVID VASQUEZ

Cause called. Robert Wayne Gehring, court appointed counsel argued for Defendant-Appellant. Eric Christoffersen, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 2:25 p.m., court recessed. At 2:30 p.m., court reconvened with the same panel except Associate Justice Callahan in place of Associate Justice Scotland.

Civil GREEN ROCK QUARRIES, INC.

No. vs.

C026071 BUTTE COUNTY ET AL.

Cause called. Michael J. Van Zandt, of McQuaid, Metzler, McCormick & Van Zandt argued for Plaintiff-Appellant. Alan B. Lilly, of Bartkiewicz, Kronick, & Shannahan argued for Defendants-Respondents. Cause submitted.

Court adjourned at 2:54 p.m., until Monday, June 15, 1998.

FRIDAY, MAY 22, 1998 CONTINUED

Juvenile In re TRISTON A. A Person Coming Under the Juvenile Court Law
No. PEOPLE OF THE STATE OF CALIFORNIA
C029434 vs.

TRISTON A.

BY THE COURT:

On the court's own motion and because the appeal is taken from a nonappealable order the appeal filed May 5, 1998, is dismissed.

Dated: May 22, 1998

SCOTLAND, Acting P.J.

TUESDAY, MAY 26, 1998

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025923 LAZARO HERNANDEZ

The judgment is modified to impose a \$1,000 restitution fine stayed pending successful completion of parole. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy of the same to the Department of Corrections.

RAYE, J.

We concur: PUGLIA, P.J.
DAVIS, J.

Civil MARY CASALE (Not for Publication)

No. vs.

C026777 CHEVRON U.S.A. INC.

The judgment is affirmed.

DAVIS, J.

We concur: PUGLIA, P.J.
HULL, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C027573 KATHLEEN RENEE HOOKER

The judgment is affirmed.

HULL J.

We concur: SCOTLAND, Acting P.J.
RAYE, J.

TUESDAY, MAY 26, 1998 CONTINUED

Civil COUNTY OF SACRAMENTO ET AL.
No. vs. (Not for Publication)
C027643 WALTER J. BENJAMIN
In re the marriage of WALTER J. AND ANGELA BENJAMIN
WALTER J. BENJAMIN
vs.
ANGELA BENJAMIN

The judgment is reversed and the trial court is ordered to reconsider the County's reimbursement claim. subject to the applicable statute of limitations, the period (s) during which each parent had actual physical custody of Joshua, and Benjamin's ability to pay. The County shall bear its own costs and Benjamin shall bear his own costs on appeal.

HULL, J.

We concur: PUGLIA, P.J.
MORRISON, J.

WEDNESDA, MAY 27, 1998

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025468 BRIAN L. EDELMAN

The judgment is affirmed.

CALLAHAN. J.

We concur: PUGLIA, P.J.
 SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C027047 TIMOTHY KENT ROGERS

The judgment is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
DAVIS, J.

WEDNESDAY, MAY 27, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026919 PHILLIP LAMAR BUSBY

The judgment is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
 DAVIS, J.

Civil WILDWOOD LIMITED PARTNERSHIP OVERSIGHT COMMITTEE
 No. ET AL.
 C025788 vs.
 C026037 BIODENTAL TECHNOLOGIES CORP ET AL.

The judgment is affirmed.

CALLAHAN, J.

We concur: NICHOLSON, Acting P.J.
 RAYE, J.

Civil STEVEN V. PEREZ (Not for Publication)
 No. vs.
 C027139 STATE PERSONNEL BOARD
 DEPARTMENT OF CORRECTIONS

The judgment is affirmed.

SCOTLAND, J.

We concur: BLEASE, Acting P.J.
 CALLAHAN, J.

Civil GREEN ROCK QUARRIES, INC.
 No. vs. (Not for Publication)
 C026071 BUTTE COUNTY ET AL.

The judgment is affirmed.

BLEASE, J.

We concur: PUGLIA, P.J.
 CALLAHAN, J.

WEDNESDAY, MAY 27, 1998 CONTINUED

Juvenile IN RE PAIGE E. and TYLER E., Minors Coming Under the Juvenile Court
 No. Law (Not for Publication)
 C027733 DEPARTMENT OF SOCIAL SERVICES
 VS.
 NICOLA E.

The orders appealed from are affirmed.

DAVIS, J.

We concur: PUGLIA, P.J.
 BLEASE, J.

Civil REGINALD MYERS (Not for Publication)
 No. vs.
 C028070 LAKERIDGE TOWNHOUSES HOMEOWNERS ASSOCIATION
 COUNTY OF EL DORADO

The judgment (order) is affirmed.

HULL, J.

We concur: PUGLIA, P.J.
 MORRISON, J.

Civil JASON ANTHONY BRANYAN
 No. vs.
 C025464 ALBERT FRISK ET AL. (Not for Publication)

The judgment is affirmed.

CALLAHAN, J.

We concur: BLEASE, Acting P.J.
 SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027432 VERNELL SHAW

The judgment is affirmed.

HULL, J.

We concur: DAVIS, Acting P.J.
 NICHOLSON, J.

WEDNESDAY, MAY 27, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publicaiton)

No. vs.

C027392 MICHELLE LYNN MESSICK

The judgment is affirmed.

DAVIS, J.

We concur: PUGLIA, P.J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C027402 RAYMOND ALLEN FENDRYCH

The judgment is modified to award defendant 36 days custody credit and 16 days conduct credit. As so modified, the judgment is affirmed.

DAVIS, J.

We concur: PUGLIA, P.J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026971 JOSE OSBALDO ARCENEDA

The judgment is affirmed.

DAVIS, J.

We concur: PUGLIA, P.J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C027652 DOUGLAS HOWARD MAYNARD

The judgment is affirmed.

BLEASE, J.

We concur: PUGLIA, P.J.
DAVIS, J.

THURSDAY, MAY 28, 1998, CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027385 CHISI RAY FAIRLY
 The judgment is affirmed.
 PUGLIA, P.J.
 We concur: DAVIS, J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027211 GEORGE HARRY JONES
 The judgment is affirmed.
 PUGLIA, P.J.
 We concur: MORRISON, J.
 HULL, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C028038 ALFRED WAYNE MELBOURNE
 The judgment is affirmed.
 BLEASE, J.
 We concur: PUGLIA, P.J.
 DAVIS, J.

Civil LEROY HARRIS (Not for Publication)
 No. vs.
 C025789 STEVE ADAMS
 The judgment is affirmed.
 CALLAHAN, J.
 We concur: BLEASE, Acting P.J.
 SCOTLAND, J.

THURSDAY, MAY 28, 1998, CONTINUED

Civil WILLIAM A. SHELTON ET AL (Not for Publication)
No. vs.
C025293 BRUCE COUCH ET AL

The appeal is dismissed. Plaintiffs shall recover their costs.
PUGLIA, P.J.

We concur: BLEASE, P.J.
 MORRISON, J.

Civil YUBA CYPRESS HOUSING PARTNERS, LTD.
No. a California Limited Partnership ET AL (Not for Publication)
C026790 vs.

AREA DEVELOPERS, A General Partnership ET AL
The order granting defendants' section 473 motion and ordering plaintiffs to pay defendants' attorney fees and costs is reversed. The trial court is directed to enter a new order denying the motion and relief requested. Defendants shall reimburse plaintiffs for their costs on appeal. (Cal. Rules of Court, rule 26(a).)

SCOTLAND, Acting P.J.

We concur: NICHOLSON, J.
 CALLAHAN, J.

Civil YUBA CYPRESS HOUSING PARTNERS, LTD.
No. a California Limited Partnership ET AL (Not for Publication)
C024819 vs.

AREA DEVELOPERS, A General Partnership ET AL
JAMES R. SMITH
vs.

AREA DEVELOPERS, ET AL

The judgment in favor of defendants and against plaintiff Yuba Cyress Housing Partners, Ltd., is affirmed. The judgment in favor of defendants and against plaintiffs James R. Smith is reversed, and the matter is remanded to the trial court for the calculation of an award to Smith, in accordance with views expressed herein, and the entry of judgment is Smith's favor.

Defendants shall reimburse Smith for his costs on appeal. (Cal. Rules of Court, rule 26(a).)

SCOTLAND, Acting P.J.

We concur: NICHOLSON, J.
 CALLAHAN, J.

THURSDAY, MAY 28, 1998, CONTINUED

Civil No. C026835	CITY OF RICHARD vs. COMMISSION ON STATE MANDATES STATE OF CALIFORNIA, DEPARTMENT OF FINANCE	(Not for Publication)
	The judgment is affirmed.	
		MORRISON, J.
	We concur: PUGLIA, P.J. NICHOLSON, J.	
Civil No. C027341	JOHN C. MAYES vs. OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA	(Not for Publication)
	The judgment is affirmed.	
		HULL, J.
	We concur: PUGLIA, P.J. MORRISON, J.	
Civil No. C029003	THOMAS B. vs. SUPERIOR COURT ON SACRAMENTO COUNTY SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES ET AL	(Not for Publication)
	The petition is denied.	
		PUGLIA, P.J.
	We concur: DAVIS, J. RAYE, J.	
CIVIL No. C028903	LUIS M. vs. SUPERIOR COURT OF SACRAMENTO COUNTY SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES	(Not for Publication)
	The petition is denied.	
		PUGLIA, P.J.
	We concur: BLEASE, J. DAVIS, J.	

THURSDAY, MAY 28, 1998, CONTINUED

Juvenile In re RONNIE B., A Person coming under the Juvenile Court Law
No. HUMAN SERVICES AGENCY
C027344 vs.
C028312 PAMELA L.

The order denying appellant's section 388 petition and the judgment terminating appellant's parental rights are affirmed.

SCOTLAND, J.

We concur: PUGLIA, P.J.
 HULL, J.

FRIDAY, MAY 29, 1998

Civil MARTIN LUND
No. vs.
C026944 TRUST OF JOHN LUND
BY THE COURT:

Pursuant to written request of appellants, the appeal filed June 30, 1997, is dismissed. It is further ordered that the remittitur issue forthwith. (See Cal. Rules of Court, rule 19(b).)

Dated: May 29, 1998

PUGLIA, P.J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C026233 ROBERT LEE FLOYD, JR.

The judgment is affirmed.

HULL, J.

We concur: DAVIS, Acting P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C026233 MARLON JOHNSON

The judgment is affirmed.

CALLAHAN, J.

We concur: PUGLIA, P.J.
 NICHOLSON, J.

FRIDAY, MAY 29, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025387 GILBERT ANGEL JOHNSON
 The judgment is affirmed.
 RAYE, J.
 We concur: PUGLIA, P.J.
 NICHOLSOLSON, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026359 DENNIS LANE McCARL
 The judgment is affirmed.
 CALLAHAN, J.
 We concur: PUGLIA, P.J.
 NICHOLSON, J.

Civil A.G. EQUITIES GROUP ET AL.
 No. vs. (Not for Publication)
 C026353 DEL MONTE CORPORATION
 The judgment is affirmed.
 BLEASE, Acting P.J.
 We concur: NICHOLSON, J.
 HULL, J.

Civil ALISON HARVEY (Not for Publication)
 No. vs.
 C026249 R. BRUCE EMERSON III ET AL.
 The judgment is vacated and the matter is remanded to the superior court with directions to issue a statement of decision and enter judgment accordingly. Each party shall bear its own costs on appeal.
 NICHOLSON,
 We concur: BLEASE, Acting P.J.
 HULL, J.

FRIDAY, MAY 29, 1998 CONTINUED

Civil GRACE L. LUSK (Not for Publication)
No. vs.
C026447 SUTTER-YUBA MENTAL HEALTH SERVICES ET AL.

The judgment is affirmed.

CALLAHAN, J.

We concur: RAYE, Acting P.J.
 MORRISON, J.

Civil CHRISTIAN DEAN BOWERS (Not for Publication)
No. vs.
C026887 THE SUPERIOR COURT OF NEVADA COUNTY
 THE PEOPLE

The petition is denied. The alternative writ is discharged.

CALLAHAN, J.

We concur: BLEASE, Acting P.J.
 MORRISON, J.

Juvenile KEVIN B. (Not for Publication)
No. vs.
C029185 SUPERIOR COURT OF SUTTER COUNTY
 SUTTER COUNTY DEPART OF HUMAN SERVICES ET AL.

The petition and request for a stay are denied.

PUGLIA, P.J.

We concur: BLEASE, J.
 DAVIS, J.